

1 UNITED STATES DISTRICT COURT

2 FOR THE

3 DISTRICT OF SOUTH CAROLINA

4 SPARTANBURG DIVISION

5 * * * * *

6 UNITED STATES OF AMERICA,

* CRIMINAL NO. 7:23-CR-0155
* SEPTEMBER 07, 2023 1:33 P.M.
* GUILTY PLEA HEARING

7 Plaintiff,

8 vs.

9 WILLIAM MICHAEL HALL,

* Before:
* HONORABLE DONALD C. COGGINS, JR.
* UNITED STATES DISTRICT JUDGE
* DISTRICT OF SOUTH CAROLINA

10 Defendant.

11 * * * * *

APPEARANCES:

12 For the Plaintiff:

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16 For Defendant William Michael Hall:

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23 Proceedings recorded by mechanical stenography, transcript
24 produced by computer.
25

1 **P R O C E E D I N G S**

2 (Court convened at 1:33 p.m.)

3 **THE COURT:** All right. Ms. Sherard.

4 **MS. SHERARD:** Good afternoon. May it please the
5 Court, Your Honor. We are here on United States versus
6 William Michael Hall. That's Criminal Number 7:23-155. And
7 Mr. Hall is here for a change of plea.

8 **THE COURT:** All right. Mr. Brewer.

9 **MR. BREWER:** Good afternoon. May it please the
10 court, Your Honor. This is Mr. Hall. And we are here to
11 plead guilty today. The parties have filed a signed and
12 executed plea agreement previously.

13 **THE COURT:** All right. Madam Clerk, would you swear
14 Mr. Hall, please.

15 **THE CLERK:** Please stand and raise your right hand.
16 (Whereupon, the defendant is duly sworn.)

17 **MR. BREWER:** Yes ma'am.

18 **THE COURT:** Thank you, sir. Mr. Hall, it's my
19 understanding that you're going to change your plea and enter
20 a guilty plea this afternoon; is that correct?

21 **THE DEFENDANT:** Yes, sir.

22 **THE COURT:** All right. Thank you, sir.

23 Mr. Brewer, have you had sufficient time to confer
24 with Mr. Hall about this case?

25 **MR. BREWER:** Yes, Your Honor.

1 **THE COURT:** Have you explained his Constitutional
2 rights to him and the court process?

3 **MR. BREWER:** I have.

4 **THE COURT:** And do you believe he understands what
5 he's doing today?

6 **MR. BREWER:** I do.

7 **THE COURT:** All right. Mr. Hall, before I can
8 accept your guilty plea, it's necessary for me to make sure
9 you're pleading guilty freely, voluntarily, and knowingly,
10 because by pleading guilty you're going to be giving up
11 certain important Constitutional rights and possible legal
12 defenses that you might have under the law. For me to make
13 that determination there are a number of questions I'll need
14 to ask you this afternoon. It's very important that you
15 listen carefully to all of my questions and everything else
16 that is said during the hearing. If at any time I give you
17 information during this hearing that is different than what
18 someone else may have told you, even if it's different than
19 what Mr. Brewer has told you, you need to rely upon what I
20 tell you. Do you understand that?

21 **THE DEFENDANT:** Yes, sir.

22 **THE COURT:** All right. If I ask you a question that
23 you don't understand, or if I use a word or phrase that you
24 don't understand, please stop me and I'll be happy to rephrase
25 my question or explain it to you. If you don't say anything,

1 I'm going to presume that you understood all of my questions
2 and everything else that was said during the hearing. At any
3 time during this questioning if you feel it's necessary to
4 speak privately with your attorney, all you need to do is let
5 me know and I'll be happy to give you that opportunity. Do
6 you understand that?

7 **THE DEFENDANT:** Yes, sir.

8 **THE COURT:** All right. Now, you've been placed
9 under oath. Everything you tell me from here on out is
10 material to your case so that if you answer any of my
11 questionings falsely, those false answers could be used
12 against you in a later proceeding which could include
13 prosecution for perjury or making false statements to the
14 Court. Do you understand that?

15 **THE DEFENDANT:** Yes, sir.

16 **THE COURT:** Okay. And you are William Michael Hall?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** How old are you, Mr. Hall?

19 **THE DEFENDANT:** I'm 40.

20 **THE COURT:** And how far did you go in school?

21 **THE DEFENDANT:** Ninth grade.

22 **THE COURT:** And where were you born?

23 **THE DEFENDANT:** At Spartanburg Regional.

24 **THE COURT:** Okay. All right. And do you have any
25 difficulty whatsoever understanding or communicating in the

1 English language?

2 THE DEFENDANT: No, sir.

3 THE COURT: Mr. Hall, have you used any alcohol or
4 drugs within the last 24 hours?

5 THE DEFENDANT: No, sir.

6 THE COURT: As you stand here today, are you under
7 the influence of any type of alcohol, drug, medication, or any
8 other substance or any medical conditions whether mental,
9 physical, or emotional that would affect your ability to
10 understand what you're doing?

11 THE DEFENDANT: No, sir, Judge. Blood pressure
12 medication, that's all.

13 THE COURT: Okay. And you take that regularly?

14 THE DEFENDANT: Yes. Every day.

15 THE COURT: All right. That doesn't affect your
16 thinking or anything, does it?

17 THE DEFENDANT: No, sir.

18 THE COURT: Okay. Based upon Mr. Hall's appearance,
19 his demeanor, and his answers to my questions thus far, I do
20 not believe that he is impaired in any way.

21 Mr. Hall, are there any medications that have been
22 prescribed for you by a doctor that you're supposed to be
23 taking but you're not currently taking?

24 THE DEFENDANT: No, sir. They just prescribed for
25 me to take the blood pressure medicine that they've been

1 giving me, but that's about it.

2 THE COURT: All right. And you are taking that,
3 correct?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. Have you ever been treated for
6 any type of mental illness?

7 THE DEFENDANT: Not -- probably when I was younger,
8 but not since I've been an adult or nothing.

9 THE COURT: Okay. Do you suffer from any type of
10 mental illness that would affect your judgment or your ability
11 to understand what you're doing today?

12 THE DEFENDANT: No, sir.

13 THE COURT: Okay. Have you ever been treated for
14 any type of addiction to narcotic drugs?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: When was that?

17 THE DEFENDANT: Well, I took a drug program class
18 and alcohol classes. It's been some years ago.

19 THE COURT: Okay. And with respect to your
20 situation today, you've told me that you haven't taken any
21 type of drugs or other substances; is that correct?

22 THE DEFENDANT: Correct.

23 THE COURT: And as far as any prior addiction or
24 prior treatment, none of that affects your ability to think or
25 your judgment today; is that right?

1 THE DEFENDANT: No, sir.

2 THE COURT: Okay. All right. Have you recently
3 been seen by any type of doctor, psychiatrist, psychologist,
4 or other mental health professional?

5 THE DEFENDANT: No, sir.

6 THE COURT: Are you satisfied with the services of
7 your attorney?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And have you had sufficient time to meet
10 with him to discuss your case?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Has he advised you of your rights and
13 explained the Court process to you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Specifically, has he talked to you about
16 the possible consequences of this hearing, that is
17 consequences of you pleading guilty?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And have you told him everything that
20 you want or need to tell him about your case?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Is there anything that you would like
23 for him to do for you at this time before we proceed any
24 further?

25 THE DEFENDANT: No, sir.

1 **THE COURT:** Has he done everything you've asked him
2 to do for you?

3 **THE DEFENDANT:** Yes, sir.

4 **THE COURT:** Do you authorize him to speak on your
5 behalf during the hearing?

6 **THE DEFENDANT:** Yes, sir.

7 **THE COURT:** All right. Mr. Brewer, taking into
8 consideration everything you know about this case, do you
9 agree with Mr. Hall's decision to plead guilty?

10 **MR. BREWER:** I do, Your Honor.

11 **THE COURT:** All right. Do you have any concerns
12 about his competence to make that decision?

13 **MR. BREWER:** None at all.

14 **THE COURT:** All right. Any concerns as to
15 competency from the government?

16 **MS. SHERARD:** No, Your Honor.

17 **THE COURT:** All right. I find the defendant,
18 William Michael Hall, is competent to plead guilty to the
19 charges against him and I so find for purposes of this record.

20 Now, Mr. Hall, it's my understanding from your plea
21 agreement that you are offering to plead guilty to Count 1 of
22 the indictment. The indictment is simply the written document
23 that the government uses to charge you with a crime. It's not
24 proof of anything. It's not evidence of anything. It's just
25 where the government puts in writing what they believe they

1 can prove you did that was in violation of the law. Have you
2 received a copy of the indictment and had an opportunity to
3 review it with your attorney?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Has Mr. Brewer gone over it with you and
6 explained it to you?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Answered any questions you had
9 concerning it?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you believe you understand the
12 charges that have been made against you?

13 THE DEFENDANT: I understand.

14 THE COURT: All right, sir. In order for me to
15 establish for the record that you understand the charges
16 against you, specifically those in Count 1 that you're
17 offering to plead guilty to, as well as the legal elements of
18 that crime that the government would have to prove if you went
19 to trial and the penalties you may face upon conviction,
20 whether it be by a jury verdict or by you pleading guilty, I'm
21 going to have the assistant U.S. attorney run through that
22 with you.

23 If you have a copy of your plea agreement in front
24 of you, I believe that information can be found in paragraph 1
25 on pages 1 and 2. If you would please listen carefully and

1 follow along as she goes through that information.

2 Ms. Sherard.

3 **MS. SHERARD:** Your Honor, with respect to Count 1,
4 the grand jury charges that beginning at a time unknown to the
5 grand jury but beginning at least in or around January 2021,
6 and continuing thereafter up to and including the date of this
7 indictment in the District of South Carolina, the defendant
8 Michael -- William Michael Hall, a/k/a Big Mike, and Theodore
9 Sims knowingly and intentionally did combine to conspire and
10 agree and have a tacit understanding with each other and with
11 others both known and unknown to the grand jury to knowingly,
12 intentionally, and unlawfully possess with intent to
13 distribute methamphetamine and Fentanyl, both Schedule II
14 controlled substances.

15 With respect to the defendant, Mr. Hall, the amount
16 involved in the conspiracy attributable to him as a result of
17 his own conduct and the conduct of others, conspirators
18 reasonably foreseeable to him, is 50 grams or more of
19 methamphetamine, and 400 grams or more of fentanyl, in
20 violation of Title 21 U.S. Code Sections 841(a)(1),
21 841(b)(1)(A), and all in violation of Title 21 U.S.C. Section
22 846.

23 With respect to the drug trafficking conspiracy, the
24 government bears the burden of proving the following elements
25 that are also set forth in his plea agreement: One, that

1 there was an agreement between two or more persons to possess
2 with intent to distribute and to distribute the controlled
3 substances alleged in the indictment; two, that the Defendant
4 knew of this agreement and conspiracy; three, that Defendant
5 knowingly and voluntarily participated in or became a part of
6 this agreement or conspiracy; and lastly, that the type and
7 quantity of drugs -- of controlled substances attributable to
8 the defendant are as follows. And we just went over that with
9 respect to Mr. Hall. He is pleading guilty to what we call
10 (b)(1)(A) weight, which in this case is 50 grams or more of
11 methamphetamine, and 400 grams or more of fentanyl.

12 And with respect to those specific drug weights, the
13 actual possible penalties are as follows: There's a minimum
14 term of imprisonment of ten years with a maximum of life, no
15 probation, no parole, a fine of up to 10 million dollars, and
16 supervised release of at least five years, in addition to any
17 term of imprisonment, plus the mandatory special assessment of
18 \$100. And it should be noted that this reflects that the
19 government is withdrawing the sentencing enhancement
20 previously filed under Section 841.

21 **THE COURT:** All right. Mr. Hall, did you listen
22 carefully to the information presented regarding the charge,
23 the elements, and the penalties?

24 **THE DEFENDANT:** Yes, sir.

25 **THE COURT:** And did you understand what the

1 prosecutor said about that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Understanding all of that do you still
4 wish to plead guilty?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right, sir. The Court finds for the
7 record that the defendant, William Michael Hall, fully
8 comprehends and understands the nature of the charges against
9 him and generally what elements the government would have to
10 prove if a trial were held, as well as the penalties
11 associated with the offense.

12 Now Mr. Hall, as I indicated earlier, by pleading
13 guilty to this charge you're going to be giving up certain
14 important rights and possible legal defenses that you may have
15 under the law. And I want to briefly go over those with you.

16 Under the Constitution and laws of the United States
17 you have a right to plead not guilty. And if you plead not
18 guilty you are entitled to a public and speedy trial by a jury
19 on the charges contained in the indictment. It does not
20 matter to me whether you choose to plead guilty or not guilty.
21 If you were to decide to plead not guilty and you request a
22 trial by jury, you will also be entitled to a number of
23 procedural rights as a defendant in a criminal case. You will
24 have the right to the assistance of counsel for your defense
25 at every stage of the case. If you cannot afford an attorney,

1 one will be appointed for you without cost to you. Of course
2 you're currently being represented by very experienced and
3 competent counsel, and I would expect that Mr. Brewer would
4 stay with you throughout the trial of your case. There's no
5 burden of proof upon you whatsoever. You're presumed innocent
6 of any and all charges until and unless the government proves
7 you guilty of each and every element of the offense beyond and
8 a reasonable doubt. You would be presumed innocent. The
9 government would be required to prove you guilty by competent
10 evidence and beyond a reasonable doubt before you could be
11 found guilty, and you would not have to prove your innocence.

12 The witnesses for the government would have to come
13 here to court and testify in your presence, and your attorney
14 could cross-examine those witnesses, and he could also object
15 to other evidence being offered by the government in its case.
16 And while there's no burden of proof upon you, if you so chose
17 your attorney could offer evidence in your defense. Likewise,
18 while there's no burden of proof upon you, if a trial were
19 held you would have the right to testify in your defense if
20 you chose to do so. However, you would also have the absolute
21 right not to testify. And if you decided not to testify, I
22 would specifically inform and instruct the jury that no
23 inference or suggestion of guilt whatsoever could be drawn
24 from the fact that you did not testify. You would have the
25 right to the issuance of subpoenas, compel the attendance of

1 witnesses to come here and testify in your defense, and compel
2 the production of other evidence for your defense. And while
3 there's no burden of proof upon you, if a trial were held and
4 you had persons that you wanted to come here to court to
5 testify on your behalf, this Court will assist you and your
6 attorney in having those witnesses brought here to court.

7 Finally, if a trial were held, in order for you to
8 be found guilty the jury would have to reach a unanimous
9 verdict by all of the jury members.

10 Now, Mr. Hall, do you understand these important
11 rights as I have outlined them for you?

12 **THE DEFENDANT:** Yes, sir.

13 **THE COURT:** If you plead guilty and I accept your
14 plea, you will be giving up your right to a jury trial and all
15 of these other rights I just went over with you. There will
16 be no trial, and I will enter a judgment of guilt and sentence
17 you on the basis of your guilty plea. Do you understand that?

18 **THE DEFENDANT:** Yes, sir.

19 **THE COURT:** If you plead guilty, you will also have
20 to give up your right not to incriminate yourself, because
21 I'll ask you questions about what you did in order to satisfy
22 myself that you are in fact guilty as charged, and you have to
23 admit and acknowledge your guilt. Do you understand that?

24 **THE DEFENDANT:** Yes, sir.

25 **THE COURT:** Now, Mr. Hall, given the nature of this

1 case, I'm not sure that restitution would be an issue. But if
2 restitution is an issue in your case and you plead guilty and
3 I accept that plea, you may be required to make restitution to
4 a victim or victims of your acts, either the payment of money
5 or in personal services as may be directed by this Court. If
6 such restitution is ordered, your failure to comply may be the
7 basis for revoking any period of supervised release that could
8 be imposed as a part of your sentence. Do you understand
9 that?

10 **THE DEFENDANT:** Yes, sir.

11 **THE COURT:** Now, Mr. Hall, the offense to which you
12 are offering to plead guilty is a felony offense. If your
13 plea is accepted you may be deprived of valuable civil rights,
14 such as the right to vote, to hold public office, to serve on
15 a jury, and possess any kind of a firearm. It may also affect
16 your ability to receive certain government benefits. Do you
17 understand that?

18 **THE DEFENDANT:** Yes, sir.

19 **THE COURT:** The offense to which you are pleading
20 guilty carries a maximum sentence of 20 years or more, and
21 this one does. You would be statutorily ineligible for any
22 type of probationary sentence. Do you understand that?

23 **THE DEFENDANT:** Yes, sir.

24 **THE COURT:** If forfeiture is an issue in the case,
25 and in view of the nature of this case it may be, and we'll go

1 over your plea agreement here in a few moments, but if
2 forfeiture is an issue in your case and I accept your plea, I
3 can order you to forfeit certain property to the government.
4 Do you understand that?

5 **THE DEFENDANT:** Yes, sir.

6 **THE COURT:** If you plead guilty the Court is
7 obligated to impose a mandatory special assessment fee as to
8 each count of the indictment that you are admitting to. That
9 fee is payable immediately upon sentencing. That's that
10 mandatory assessment of 100 dollars. Do you understand that?

11 **THE DEFENDANT:** Yes, sir.

12 **THE COURT:** If you plead guilty or if you are
13 convicted by a jury after a trial, then I will have to
14 determine the appropriate sentence to be imposed in your case.
15 In making a determination of the appropriate sentence, I'm
16 required to consider the statutory sentencing factors set out
17 by Congress in Section 3553(a) in Title 18 of the United
18 States Code, as well as the advisory sentencing guidelines
19 issued by the United States Sentencing Guidelines Commission.
20 Those guidelines are used as a starting point in determining
21 your sentence. The Court is obligated to calculate the
22 applicable guideline range and to consider that range, as well
23 as any possible departures or variances under the sentencing
24 guidelines and those other factors under 18 U.S.C. Section
25 3553(A). In addition, the Court will consider the purposes of

1 sentencing which include punishment, deterrence,
2 incapacitation, and rehabilitation in making its determination
3 of an appropriate sentence. Do you understand?

4 **THE DEFENDANT:** Yes, sir.

5 **THE COURT:** Now, Mr. Hall, have you and Mr. Brewer
6 talked about how the statutory factors and advisory guidelines
7 might affect your sentence in this case?

8 **THE DEFENDANT:** Yes, sir.

9 **THE COURT:** You understand that I will not be able
10 to determine the guideline range that applies to your case
11 until after the presentence report has been completed, and
12 both you and the government have had an opportunity to review
13 that report and to challenge the reported facts and
14 application of the guidelines as recommended by the probation
15 officer who prepared the report.

16 **THE DEFENDANT:** Yes, sir.

17 **THE COURT:** Do you understand that even after it's
18 been determined what guidelines apply to your case, I have the
19 authority to impose a sentence that is more severe or less
20 severe than the sentence called for by the guidelines because
21 those guidelines are only advisory?

22 **THE DEFENDANT:** Yes, sir.

23 **THE COURT:** Do you understand that any sentence that
24 I may ultimately impose may be different from and possibly
25 greater than any estimate your attorney or anyone else may

1 have given you?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: In calculating the range of sentence
4 under the advisory guidelines and determining an appropriate
5 sentence, this Court will take into account all conduct,
6 circumstances, and injuries associated with your criminal
7 conduct, whether or not this conduct is formally charged by
8 the government or is included in the counts you are admitting
9 to in the indictment. The Court will consider all relevant
10 conduct at the time of your sentencing. There is no
11 limitation on the information this Court can consider at the
12 time of sentencing concerning your background, your character,
13 and your conduct, so long as that information is reliable. I
14 will take all of the factors and all this information into
15 consideration in determining an appropriate sentence in your
16 particular case. Do you understand?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand that parole has been
19 abolished, and if you are sentenced to prison you will not be
20 released early on parole?,

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. You have entered into a
23 written plea agreement with the government, and I want to go
24 over that with you at this time.

25 And Mr. Brewer, does Mr. Hall have a copy there in

1 front of him?

2 **MR. BREWER:** He does, Your Honor.

3 **THE COURT:** All right.

4 Mr. Hall, if you will look at the last page of the
5 agreement, I believe it's page 7. There is a signature line
6 or there's several signature lines, but the very first one at
7 the top there is from William Michael Hall, defendant. Is
8 that your signature?

9 **THE DEFENDANT:** Yes, sir.

10 **THE COURT:** And over to the left it gives the date
11 of August 15th, 2023. Did you sign this document on that
12 date?

13 **THE DEFENDANT:** Yes, sir.

14 **THE COURT:** Now, Mr. Hall, prior to your signing
15 this agreement, did you have a full and complete opportunity
16 to review it, study it, and go over it with your attorney?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** And did Mr. Brewer explain the agreement
19 to you and answer any questions you had concerning this?

20 **THE DEFENDANT:** Yes, sir.

21 **THE COURT:** Do you believe that you understand each
22 and every provision of this plea agreement?

23 **THE DEFENDANT:** Yes, sir.

24 **THE COURT:** When you signed it did you enter into it
25 freely, voluntarily, and knowingly?

1 **THE DEFENDANT:** Yes, sir.

2 **THE COURT:** All right. Mr. Hall, in order to
3 establish for the record that your understanding of this
4 agreement is the same as the government's, in other words,
5 that you-all had a meeting of the minds as to these
6 provisions, I'm going to have the assistant U.S. attorney
7 briefly go through these provisions in your plea agreement.
8 I'm going to ask you to follow along as she does so.

9 Now, paragraph one of the plea agreement relates to
10 the charge, the elements, and the penalties. We've already
11 gone over that, so I'm going to ask her to begin with
12 paragraph 2 on page 2. Ms. Sherad.

13 **MS. SHERARD:** Your Honor, with respect to paragraph
14 2, the defendant understands that certain monetary penalties
15 may be imposed by the Court.

16 Specifically in paragraph 3 it goes on to talk about
17 the special assessment which we've already advised him of, of
18 \$100, for each felony count. Restitution should not be
19 applicable in this case. But a fine is referenced in
20 SubParagraph B and could be applicable.

21 In paragraph 4, provided the defendant complies with
22 all the terms of the plea agreement, the U.S. has agreed to
23 dismiss the remaining counts of the indictment at sentencing,
24 but he understands that the Court may consider those dismissed
25 counts as relevant conduct. It also provides that that --

1 again, assuming he complies with all terms of the plea
2 agreement, we're agreeing to withdraw that sentencing
3 enhancement with respect to the 851 of the prior conviction.

4 In paragraph 5 on page 4 the defendant understands
5 that obligations of the government set forth here in the plea
6 agreement are expressly contingent upon him abiding by federal
7 and state law on any bond executed in this case. In the event
8 that he fails to comply with the provisions of the plea
9 agreement, the government would have the right at its sole
10 election to void its obligations under the plea agreement, and
11 the defendant will not have the right to withdraw his guilty
12 plea.

13 In paragraph 6 the defendant agrees to the
14 forfeiture, which in this case it appears to be a money
15 judgment potentially for any proceeds generated by the drug
16 trafficking.

17 In paragraph 7 he agrees to voluntarily transfer
18 any title or interest in claim in any property to the
19 United States that is identified.

20 In paragraph 8 on page 6 the defendant represents
21 that he is satisfied with his attorney in this case.

22 And paragraph 9, that contains the appeal and
23 collateral attack waiver in which he understands that
24 defendants have the right to appeal and collaterally attack
25 their conviction or sentence, but acknowledging those rights

1 in exchange for the concessions made by the government in the
2 plea agreement, he's waiving those rights to contest his
3 conviction or sentence in any direct appeal, or collateral
4 attack, or habeas proceeding under 28 U.S.C. Section 2255.
5 But he also understands that the waiver with respect to this
6 provision does not apply to claims of infective assistance of
7 counsel, prosecutorial misconduct, or future changes in the
8 law that affect his sentence.

9 In paragraph 10 he is waiving his right to receive
10 information under the Freedom of Information Act with respect
11 to this case.

12 And in paragraph 11 the parties agree that the
13 written plea agreement contains the entire agreement.

14 **THE COURT:** Thank you. All right.

15 Mr. Hall, did you listen carefully and follow along
16 as the prosecutor went through the material provisions of your
17 plea agreement?

18 **THE DEFENDANT:** Yes, sir.

19 **THE COURT:** And did you understand her description
20 of those provisions?

21 **THE DEFENDANT:** Yes, sir.

22 **THE COURT:** And was her description of those
23 provisions consistent with your understanding of this
24 agreement?

25 **THE DEFENDANT:** Yes, sir.

1 **THE COURT:** All right. Specifically with respect to
2 paragraph 9, let me ask you about that one in particular.
3 That's what's generally known as an appellate waiver. And
4 basically what that paragraph says is that you understand that
5 federal law gives you like every criminal defendant the right
6 to contest your conviction or sentence by way of a direct
7 appeal or certain post conviction relief proceedings,
8 specifically one under 28 U.S.C. Section 2255. In this
9 paragraph you're saying that in exchange for the concessions
10 being made by the government, principally among those their
11 dismissal of the remaining count of the indictment and their
12 withdrawal of the 851 enhancement related to your prior
13 conviction or convictions, that in exchange for that you are
14 waiving your right to any direct appeal or post conviction
15 relief proceeding including the 2255 proceeding. That waiver
16 is subject only to exceptions for prosecutorial misconduct,
17 claims of ineffectiveness of counsel, or if the law were to
18 change at some point after you're sentenced in a way that
19 would affect your sentence. Do you understand that?

20 **THE DEFENDANT:** Yes, sir.

21 **THE COURT:** All right. Understanding all of that do
22 you want me to approve and accept the plea agreement?

23 **THE DEFENDANT:** Yes, sir.

24 **THE COURT:** Okay. Mr. Hall, has anyone made you any
25 promises or guarantees to you about what sentence you would

1 receive or about anything else for that matter in order to get
2 you to plead guilty?

3 THE DEFENDANT: No, sir.

4 THE COURT: Anybody threaten you or pressured you or
5 coerced you in any way to get you to plead guilty?

6 THE DEFENDANT: No, sir.

7 THE COURT: Are you pleading guilty of your own free
8 will because you are in fact guilty?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right. If you plead guilty and I
11 accept your plea, the law provides that upon your release from
12 any period of incarceration you will be subject to a term of
13 supervised release. When you're placed on supervised release,
14 you'll be under an order of this Court that prescribes the
15 rules for your behavior during that time of supervised
16 release. If you violate any term or condition of supervised
17 release, that is, any term or condition that the court
18 ordered, you could be given additional time in prison. Do you
19 understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. Okay. At this time it's
22 necessary for me to establish for the record that there is a
23 factual basis for the event that you are offering to plead
24 guilty to, and so I'm going to ask the assistant U.S. attorney
25 to briefly summarize the facts and evidence that the

1 government believes they could present to a jury about what
2 you did in this case. In other words, what they believe they
3 could prove that you did that would be in violation of the
4 law. I want you to listen carefully as she does so.

5 Ms. Sherad.

6 **MS. SHERARD:** Your Honor, on July 29th, 2021, a
7 deputy for the Spartanburg County Sheriff's Office stopped
8 this defendant, Theodore Sims, for speeding and following too
9 closely on Interstate 85. The deputy could smell marijuana,
10 and Sims admitted that he had smoked marijuana in the car 30
11 minutes prior. A K-9 also alerted to the vehicle. A search
12 of the car revealed what appeared to be a kilogram or multiple
13 kilograms of quantities of suspected fentanyl and
14 methamphetamine. Lab testing confirmed that the substances
15 were at least 400 grams or more of a mixture or substance
16 containing fentanyl, and 50 grams or more of actual
17 methamphetamine.

18 Sims was serving as a drug courier for Defendant
19 Michael Hall and was traveling from Atlanta in tandem with
20 Hall who was nearby in a separate vehicle. The investigation
21 revealed that Sims made multiple trips where he served as a
22 drug courier for Mr. Hall and traveled in tandem with him.
23 Multiple cooperating witnesses would testify that
24 Defendant Hall supplied them with or directed them to
25 transport large quantities of illegal drugs, including

1 fentanyl and methamphetamine.

2 **THE COURT:** All right. Mr. Hall, did you listen to
3 the information provided regarding your role in this offense?

4 **THE CLERK:** Yes, sir.

5 **THE COURT:** And do you agree with what the
6 prosecutor says about what you did?

7 **THE CLERK:** Yes, sir.

8 **THE COURT:** Anything she said that you disagree with
9 or that you want to tell me about at this time?

10 **THE DEFENDANT:** No, sir.

11 **THE COURT:** All right. Mr. Brewer, anything else?

12 **MR. BREWER:** No, Your Honor.

13 **THE COURT:** All right. Mr. Hall, last chance. Do
14 you still want to plead guilty?

15 **THE DEFENDANT:** Yes, sir.

16 **THE COURT:** All right. Based upon the information
17 presented, I do find that there is a factual basis for the
18 guilty plea. I further find that the defendant William
19 Michael Hall's plea of guilty is being made freely,
20 voluntarily, and knowingly, with the advice and assistance of
21 counsel, and is supported by an independent basis in fact
22 containing each of the essential elements of the offense
23 charged. Accordingly, the defendant William Michael Hall's
24 guilty plea is hereby accepted pursuant to that written plea
25 agreement dated August 22nd, 2023, and is filed with the Court

1 and he is hereby adjudged guilty of the offense as charged.

2 Mr. Hall, I'm going to refer you now to the United
3 States Probation Office for preparation of your presentence
4 report and direct you to cooperate with them for that purpose.
5 Once that report is completed, you and your attorney will be
6 furnished a copy of it as will the government. You will have
7 an opportunity to review it, to make any objections to it you
8 believe are appropriate, file any motions related to the
9 report for your sentencing that you believe are appropriate,
10 and then we will schedule a sentencing hearing.

11 Do you understand that process?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. Any questions about
14 anything?

15 THE DEFENDANT: No, sir.

16 THE COURT: Mr. Brewer, anything else?

17 MR. BREWER: Nothing, Your Honor.

18 THE COURT: Ms. Sherad?

19 MS. SHERARD: No, Your Honor. Thank you.

20 THE COURT: All right. That will conclude this
21 matter, and Mr. Hall, you'll be remanded to custody pending
22 sentencing.

23 MR. BREWER: Thank you, Judge.

24 (Proceedings were held but not transcribed at this
25 time.)

1 (Court adjourned at 4:21 p.m.)

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CERTIFICATE

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I, Michele E. Becker, certify that the foregoing is

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a correct transcript from the record of proceedings

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in the above-entitled matter.

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/s/ Michele E. Becker

Date: April 9, 2024

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